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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 4 OF 2006
IN
CRIMINAL APPEAL NO. 1514 OF 2004

Ravi Sitaram Naidu .. Applicant

Vs.

The State of Maharashtra .. Respondent

Ms. S.A. Dhamale for the applicant.
Mr. S.A. Gadkari, APP for State.

**CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI, JJ.**

Date : January 10, 2006.

P.C.:

1. Heard Ms. Dhamale, the learned counsel for the applicant. In Criminal Application No.7539 of 2005 this court by its order dated 2/12/2005 had granted furlough leave to the applicant for a period of one month from the date of his release, on execution of a bond of Rs.10,000/- with one surety in the like amount. He was further directed to attend to the Ambernath Police Station once a week during the period of furlough leave and the said period expired on 9/1/2006. Hence this application for extension of the furlough leave for a further period of 40 days.

2. It is now contended that the applicant's son

needs urgent medical treatment and, therefore, the furlough leave is required to be extended. In fact, under the Prisons (Bombay Furlough and Parole) Rules, 1959 granting furlough leave is the prerogative of the State authorities and under Rule 19 of the said Rules a convict has a remedy to apply for parole leave. A Full Bench of this Court in Criminal Writ Petition No.345 of 2005 has held that the State authorities are competent to entertain an application for parole under Rule 19 even during the pendency of an appeal against the order of conviction and sentence.

3. Under the circumstances, we do not see any reason to entertain this application for extension of furlough leave. The application is, therefore, rejected. The applicant may approach the Competent Authority under Rule 19 of the said Rules of 1959 and if such an application is submitted within a period of one week, we direct that the same shall be considered on its own merits as expeditiously as possible and in any case within a period of four weeks from its submission.

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(Smt.R.S. Dalvi, J.)

(B.H. Marlapalle, J.)